

MINUTES

County of Inyo WATER COMMISSION

December 6, 2017

The Chairperson called the Water Commission meeting to order at 6:00 p.m. at the Jill Kinmont Boothe School, Bishop, CA. Commissioners in attendance were Chairperson Mike Prather, Craig Patten, and Mike Carrington. Commissioner Red Owl was absent. Present from the Water Department were Bob Harrington, Aaron Steinwand, Laura Piper, Larry Freilich, and Keith Rainville.

1. Pledge of Allegiance

Commissioner Prather led the pledge of allegiance.

2. Public Comment

The Chairperson opened the public comment period and there was no one wishing to address the Commission.

3. Approval of minutes from the September 20, 2017 meeting

Moved by Commissioner Patton and seconded by Commissioner Carrington to approve the minutes of the September 20, 2017 meeting. Motion passed.

4. Commissioners' reports

The Chairperson opened the report period and there were no Commissioners with reports at this time.

5. Sustainable Groundwater Management Act (SGMA): Groundwater Sustainability Agency (GSA) formation – Owens Valley Groundwater Authority (OVGA)

Dr. Harrington provided a Power Point presentation with updates regarding the OVGA; explained the process to include how agencies can become and form a JPA; the upcoming December 14, 2017 meeting; funding commitments/voting shares; participation by other entities; basin boundary modification timeline of 1/1/18 – 3/31/18; grant to DWR for a GSP (Groundwater Sustainability Plan) with a decision to be made in early 2018.

Public Comment – Sally Manning – Ms. Manning asked if Inyo County will pursue basin boundary modifications. Dr. Harrington stated that is undecided at this point.

Public Comment – Yaney MacIver – Ms. MacIver asked if Dr. Harrington would provide the timeline dates again for the basin boundary modifications.

Public Comment – Sally Manning – Ms. Manning stated she believes basin boundary modifications require public outreach.

Public Comment – Daris Moxley – Ms. Moxley indicated that Mr. Rainville stated LADWP would be treated differently under the SGMA because they are adjudicated, and stated on the handout it states they will be able to participate. She asked if LADWP was going to participate and Dr. Harrington stated that would be a question to pose to LADWP.

6. LADWP Initial Study/Negative Declaration for operation testing of W385R

Dr. Harrington presented a PowerPoint presentation on the history, background, and location of these wells; constructed in the 1980's; run for a few months in 1987-1989; were constructed to supply water to enhancement mitigation projects and also to dewater the gravel layer in the gravel plant; previous production well tests affected meadows and a private well which was a significant negative impact; 1999 Technical Group finalized the revegetation plan that shut down W385 & W386 permanently. Currently, LADWP has proposed to conduct a 60 day test to run W385 in its modified condition to see how effective their modifications have been at reducing effects on the shallow aquifer. Dr. Harrington stated in two wells in Fish Slough, there has been a steady decline of a few feet. Dr. Harrington stated LADWP circulated a negative declaration this fall and approved by LADWP at their Board of Water & Power Commission meeting last week. General issues raised were how operation of W385 relates back to mitigation measures/1991 EIR/revegetation plan, which LADWP addressed by asserting that W385 is a new well, and therefore those prior mitigation measures aren't relevant to this new well. Other concerns were how this might affect Fish Slough; compliance with the AB52 consultation requirements; and impacts to the mitigation site.

Public Comment – Philip Anaya – Mr. Anaya asked if the distance from W385 is shown in feet or yards on the power point, Dr. Harrington stated feet.

Public Comment – Dan Totheroh – Mr. Totheroh asked if Dr. Harrington could point out in general where the deeper monitoring wells are located on the power point.

Public Comment – Philip Anaya – Mr. Anaya asked where the closest monitoring well was to the Fish & Wildlife spring, where the pup fish are located. Dr. Harrington stated Fish Slough #2 is within a quarter mile.

Public Comment – Sally Manning – Ms. Manning stated that even though there is a long list of wells that could be monitored, DWP's plan only proposes to set triggers in three of them.

Public Comment – Philip Anaya – Mr. Anaya – Mr. Anaya stated he watched the LADWP Board of Commissioners meeting online and he was offended that the Commissioners did not discuss any of the comments before making their decision. He thanked the Commission and the Water Department for responding to these events.

Public Comment – Yaney MacIver – Ms. MacIver stated she was very frustrated to see Jim Yannotta participate in a walking water ceremony with the decision made on the well almost the next day.

Public Comment – Sally Manning – Ms. Manning stated how long has the well been leaking and when was the last time the Water Department was out there. Mr. Rainville stated he was at the well a few days previously.

7. Update on Owens River Water Trail

Larry Freilich provided a brief update on the current progress on the Owens River Water Trail. The Board had approved a contract for the consultant, ESA to perform the CEQA work contingent upon the funding agreement with LADWP; a meeting in LA with ESA staff; tentatively planned an agency meeting with Lahontan Regional Water Quality Board/Fish & Wildlife/Army Corps of Engineers. He stated there is a new sponsor interested in the project that will donate time and potentially money, Team River Runners, which is a veterans group based out of Bethesda Maryland that has 65 chapters around the US. Mr. Freilich stated one thing concerning is the schedule is falling behind with all the delays.

8. Report on conditions on Moxley Lease

Dr. Harrington provided a presentation on Ms. Moxley's lease evaluating her concerns about not receiving enough water to maintain conditions there. He stated at a Technical Group meeting this spring, she requested some monitoring be done to determine the conditions on her lease and the Water Department agreed. Dr. Harrington stated the irrigation practices and water supply have changed and with all data available taken into consideration, the vegetation has declined. Dr. Harrington stated to move to a dispute on this the Water Agreements three step process needs to determine a significant impact; effects are measurable; attributable to DWP water management; and show that it's a significant affect. He stated it would not be a good dispute to take on if it has negative consequence on the lessee and the Water Department will not move it forward.

Public Comment – Philip Anaya – Mr. Anaya asked if there was any value in presenting all this information to LADWP and show that there are deficiencies. Dr. Harrington stated yes.

Public Comment – Yaney MacIver – Ms. MacIver asked if the slide with the vegetation is all Type E. Mr. Steinwand stated the vegetation is mostly what you would find in an irrigated pasture.

Public Comment - Ron Ybarron – Mr. Ybarron asked Ms. Moxley if she sold her cattle due to the decline and she stated half.

9. Public comment

Sally Manning – Ms. Manning stated recently the Board of Water & Power Commission in November approved a contract to drill fourteen new wells in Inyo and Mono Counties, and eighteen new deep well monitoring wells. She stated to her knowledge, it is not known where the wells will be located and this will be over the next three years.

Philip Anaya – Mr. Anaya stated he wanted to acknowledge Mr. Patten for all the good work he has done on the Water Commission. He stated at some point on the OVGA there might be a place for someone to represent domestic well users.

Commissioner Prather stated this would be Commissioner Patten’s last meeting and the Board thanked him for his service on the Water Commission.

Yaney MacIver – Ms. MacIver asked if there were any applications for the Water Commissioner vacancies and if she could provide recommendations to the Board. Ms. Piper stated the applicants are David Bay, Randy Keller, Rob Barker, Daniel Pritchett, Doug Thompson, and Nate Gratz and the Inyo County Board of Supervisors would be making the selection this coming Tuesday.

10. Schedule next Water Commission meeting

The next Water Commission meeting will be tentatively scheduled for mid-February.

11. Adjourn

The Chairperson adjourned the meeting at 7:52 p.m.